

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

May 24, 2006

The Board of Education and the Board of Career and Technical Education met at the James Monroe State Office Building, Conference Rooms D and E, Richmond, with the following members present:

Dr. Mark E. Emblidge, President
Dr. Ella P. Ward, Vice President
Dr. Thomas M. Brewster
Mrs. Isis M. Castro
Mr. David L. Johnson

Dr. Gary L. Jones
Mr. Kelvin L. Moore
Mr. Andrew J. Rotherham
Mrs. Eleanor B. Saslaw

Dr. Patricia I. Wright, Acting
Superintendent of Public Instruction

Dr. Emblidge, president, presided and called the meeting to order at 9 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Dr. Emblidge asked for a moment of silence, and Mr. Rotherham led in the Pledge of Allegiance.

APPROVAL OF MINUTES

Dr. Jones made a motion to approve the minutes of the April 26-27, 2006, meeting of the Board. The motion was seconded by Dr. Ward and carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

INTRODUCTION OF NEW BOARD MEMBER

Dr. Emblidge introduced new Board member, Mr. Kelvin L. Moore. Mr. Moore was appointed to fill the unexpired term of Mr. Thomas G. Johnson, Jr., effective May 17, 2006, and ending on June 30, 2007.

RECOGNITIONS

A Resolution of Recognition for the 2006 Title I Distinguished Division and Highly Distinguished Divisions was presented to the following school divisions:

- Scott County Public Schools for Distinguished Division
- Fairfax County Public Schools for Highly Distinguished Division

PUBLIC COMMENT

The following persons spoke during public comment:

Raymond Herrera
Dan Zacharias
George McVey
Michael Burroughs
Angela Ciolfi
Amy Woolard

ACTION/DISCUSSION ON BOARD OF EDUCATION REGULATIONS

Final Review of the Proposed Revisions to the Regulations Establishing Standards for Accrediting Public Schools in Virginia

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Mrs. Wescott said that Section 22.1-253.13:3 of the *Code of Virginia* requires the Board of Education to promulgate Standards of Accreditation for Virginia's K-12 public schools.

Mrs. Wescott said that the current regulations were adopted by the Board of Education on July 29, 2000, and became effective September 28, 2000. Those regulations included provisions that served as a transition to the current more rigorous requirements for school accountability and student achievement. Those transitional provisions are now obsolete or outdated. Virginia's accountability system has matured, and it is time to undertake a comprehensive review of the accrediting standards, especially in the areas of consequences for those schools that fail to meet the accountability requirements, and incentives for schools that are achieving success.

A Notice of Intended Regulatory Action (NOIRA) required by the Virginia Administrative Process Act (APA) was published in the *Virginia Register* on March 21, 2005, to advise the public of the Board's intent to conduct a comprehensive review of the regulations. No comments from the public were received.

The first review of the proposed changes to these regulations was presented to the Board on June 22, 2005. On October 26, 2005, the Board accepted Governor Warner's recommendation to add language requiring students in elementary and middle schools to participate in a program of physical fitness during the regular school year in accordance with guidelines established by the Board of Education.

The 60-day public comment period began on November 28, 2005, and ended on January 31, 2006. On January 17, 2006, the Board held five public hearings in Chesapeake, Leesburg, Highland Springs, Waynesboro, and Wytheville. A total of 49 people spoke at the five hearings: four in Chesapeake, 18 in Highland Springs, 11 in

Leesburg, seven in Waynesboro, and nine in Wytheville. In addition, 351 individuals and organizations submitted written comments during the public comment period.

The second review of the proposed regulations, with additional proposed revisions, was presented at the March 22, 2006, Board meeting. The Board authorized an additional 30-day period of public comment, which ended on April 30, 2006.

Dr. Ward made a motion to approve additional changes and adopt the revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. The motion was seconded by Mrs. Castro and carried unanimously.

Following is a summary of revisions to *Regulations Establishing Standards for Accrediting Public Schools in Virginia*:

8 VAC 20-131-05. Definitions.

- A definitions section is proposed to consolidate and clarify terms used in these regulations.
- The definitions of “class period,” “planning period,” and “student periods” are added to clarify the references to 8 VAC 20-131-240 regarding the middle and secondary classroom teacher’s standard load and planning period.
- A definition of “graduate” is added.
- The definition of “recess” is added to clarify that it is a segment of time in which students are given a break from instruction.
- The definition of “reconstitution” is added, in reference to 8 VAC 20-131-315 regarding a school that is denied accreditation.
- The definition of “standard school day” is clarified to specify it is a calendar day.

8 VAC 20-131-10. Purpose.

- Language would clarify that these regulations do not apply to schools licensed under other state regulations (such as state-operated programs licensed under the Standards for Interdepartmental Regulation of Children’s Residential Facilities).

8 VAC 20-131-20. Philosophy, Goals, and Objectives.

- A new objective, to increase graduation rates, would be added to the school’s goals and objectives.

8 VAC 20-131-30. Student Achievement.

- Students who are accelerated would take the tests for the grade level of the content received in instruction.
- Remediation recovery would be expanded from K-8 to K-12 in English and mathematics. The retesting provision would no longer be needed with annual testing in grades three through eight. The application of remediation recovery to a school’s accreditation ratings would continue to be defined in Board guidelines.
- Language would be added to reference Section 504 plans, as well as Individual Education Programs (IEP) for students with disabilities. Language would be added to specify that students with disabilities would be assessed with the appropriate accommodations and alternate assessments where necessary.
- Foreign exchange students would be required to take Standards of Learning (SOL) tests when taking courses for credit, but would not be required to take the tests for courses if they audit the course.

- Language is added to clarify that students with limited English proficiency (LEP) may be granted an exemption from Standards of Learning (SOL) testing in the areas of writing, science, and history and social science.

8 VAC 20-131-40. Literacy Passport Tests.

- The section would be repealed, as it is obsolete and the tests are no longer administered.

8 VAC 20-131-50. Requirements for Graduation.

- Language regarding the Modified Standard Diploma that was originally stricken in the first version of the proposed revisions has been restored. This language specifies that:
 - ✓ The informed, written consent of the parent is required,
 - ✓ The student who has chosen to pursue a Modified Standard Diploma shall be allowed to pursue a Standard or Advanced Studies Diploma at any time in the student's high school career, and
 - ✓ The student must not be excluded from courses or tests required for a Standard or Advanced Studies Diploma.
- The Board's current policy that allows students to earn a verified credit for the student-selected test if they complete a career and technical program sequence and earn an industry certification, state license, or occupational competency credential would be added to the regulations.
- For a standard diploma, when the certification, license, or credential confers more than one verified credit, a second verified credit could be substituted for a mathematics, science, or history/social science verified credit.
- The requirements for the Governor's Seal would be revised. Students would be able to receive the seal if they earn an Advanced Studies Diploma with a "B" average or better, and successfully complete college-level coursework to earn 15 transferable college credits in Advanced Placement, International Baccalaureate, Cambridge, or dual enrollment (Early College Scholars).
- The requirements for the Board of Education Seal would be revised. Students would receive the seal if they have an "A" average, whether they earn a Standard or an Advanced Studies Diploma.
- The requirements for the Board of Education's Career and Technical Education Seal would be revised to clarify that the student may pass an occupational competency exam, or earn an industry certification or state license.
- The requirements for the Board of Education's Seal for Excellence in Civics Education would be added. (These requirements are currently in guidelines; the seal itself is established in §22.1-253.13:4 of the *Code of Virginia*).
- Language about the diploma seals clarifies that a student may earn more than one seal.
- Language further clarifies that the licenses and examinations for the Board of Education's Career and Technical Education Seal and Advanced Mathematics and Technology Seal must be approved by the Board.

8 VAC 20-131-60. Transfer of Students.

- Language was revised to clarify that students transferring from Virginia public schools and nonpublic schools accredited by one of the constituent members of the Virginia Council for Private Education shall be recognized for all grade-level work completed in grades K-8. The academic records of students from all other schools shall be evaluated to determine appropriate grade placement.
- Language specifies that all secondary schools shall accept credits toward graduation from nonpublic schools accredited by one of the constituent members of the Virginia Council for Private Education.
- Additional language specifies that nothing in the regulations prohibits public schools from accepting standard credits towards graduation from all other schools when the course generally matches the course for which the receiving school gives standard credit and the

school from which the student transfers certifies that the course meets the requirements for a standard credit, as specified in these regulations.

- A provision is added to allow a student who transfers to a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade, who is pursuing a Standard Diploma, and who completes a career and technical education program sequence to substitute the certificate, occupational competency credential, or license for either a science or a history or social science verified credit.

8 VAC 20-131-70. Program of Instruction and Learning Objectives.

- Language would be added to reference §504 plans.

8 VAC 20-131-80. Instructional Program in Elementary Schools.

- The requirement for a daily recess in elementary schools would be moved from this section to 8 VAC 20-131-200. There is no change in the requirement, but it clarifies that recess is not part of the instructional program and is not counted as instructional time.
- The requirement that each school shall ensure that students who are unable to read with comprehension have both the additional instruction and the materials necessary for instruction is set out in this section, as well as in the sections of the regulations relating to middle school and secondary school (8 VAC 20-131-90 and 8 VAC 20-131-100) to emphasize the importance of reading at all levels.
- The requirement that each school shall require students to participate in a program of physical fitness during the regular school year in accordance with Board of Education guidelines.
- Language is added encouraging elementary schools to provide instruction in foreign languages.

8 VAC 20-131-90. Instructional Program in Middle Schools.

- Middle schools would be required to offer Algebra I as a part of their minimum course offerings to students in the eighth grade.
- The requirement that each school shall require students to participate in a program of physical fitness during the regular school year in accordance with Board of Education guidelines.

8 VAC 20-131-100. Instructional Program in Secondary Schools.

- All secondary schools would be required to offer at least three Advanced Placement, International Baccalaureate, Cambridge, or college level courses for degree credit, or any combination thereof. Current language requires secondary schools to offer at least two advanced-level courses.

8 VAC 20-131-110. Standard and Verified Units of Credit.

- Language would clarify that students seeking a Modified Standard Diploma could use an expedited retake of a Standards of Learning test to meet the literacy and numeracy requirements for the Modified Standard Diploma.
- Provisions for a locally awarded verified unit of credit in science or history/social science, subject to Board guidelines, would be added to the regulations. The language further clarifies that students who were in the ninth-grade class of 2003-2004 and beyond may be eligible to earn locally awarded verified credits from the local school board. (Currently the provisions are in a Section 1 statute and apply to the ninth-grade classes of 2000-01, 2001-02, and 2002-03.)
- The criteria for Board approval of substitute tests would be modified to permit tests administered as a part of another state's accountability program to be approved as substitute tests. Such tests would be held to the same standard of review and approval by the Board as all other substitute tests.

8 VAC 20-131-120. Summer School.

- No changes proposed.

8 VAC 20-131-130. Elective Courses.

- No changes proposed.

8 VAC 20-131-140. College Preparation Programs and Opportunities for Postsecondary Credit.

- Language would be added to provide for counseling of students in opportunities for obtaining industry certification in preparation for entering the workforce.

8 VAC 20-131-150. Standard School Year and School Day.

- Language would be added to clarify that the standard school year is based on instructional days and the standard school days is based upon 5 ½ instructional hours.
- Language would be deleted that refers to alternative schedules, as this topic is covered in the *Code of Virginia* and school divisions may elect to have longer terms if they choose.

8 VAC 20-131-160. Additional Reading Instruction.

- This section is repealed and language in this section is included in sections 80, 90, and 100.

8 VAC 20-131-170. Family Life Education.

- No changes proposed.

8 VAC 20-131-180. Off-site Instruction.

- Language would clarify that for homebound instruction, the instructional time requirements or alternative means of awarding credit, as adopted by the local school board, have been met.

8 VAC 20-131-190. Library Media, Materials and Equipment.

- No changes proposed.

8 VAC 20-131-200. Extracurricular and Other School Activities, Recess.

- The provision for daily recess would be moved from section 80.

8 VAC 20-131-210. Role of the Principal.

- Language would specify that the principal must notify parents of rising 11th and 12th graders of the number of standard and verified credits required for graduation, and the number of such credits the student must earn in order to graduate. (§22.1-253.13:4 of the *Code of Virginia*)

8 VAC 20-131-220. Role of the Professional Teaching Staff.

- No changes proposed.

8 VAC 20-131-230. Role of Support Staff.

- No changes proposed.

8 VAC 20-131-240. Administrative and Staff Support; Staffing Requirements.

- Staffing requirements that are prescribed in the Standards of Quality for principals, assistant principals, librarians, guidance counselors, and clerical staff would be deleted from the regulations because it is duplicative of language in §22.1-253.13:2 of the *Code of Virginia*.
- A revision is made to specify that guidance counselors for all schools, including elementary schools, shall provide a minimum of 60 percent of the time devoted to counseling of students. This provision currently applies to guidance counselors in middle and secondary schools.
- Language about planning period for teachers in middle and secondary schools would be revised to be consistent with language in §22.1-253.13:2 of the *Code of Virginia*. It also clarifies that middle and secondary teachers' standard load shall be based on teaching no more than 5/6 of the instructional day.
- The requirement that middle school teachers have a load of no more than 25 class periods a week would begin with academic year 2008-2009.

- Language would clarify that in schools with a traditional six or seven period day, teachers of block programs that encompass more than one class period with no more than 120 student periods per day may teach 30 class periods per week.
- Language is added to strengthen the provision for one planning period per day or equivalent for middle and secondary teachers.

8 VAC 20-131-260. Facilities and Safety.

- Language would be added to provide for adequate and safe administration and storage of student medications.
- Language would also be added to require that written procedures for emergencies include procedures to follow in the event of an allergic reaction.
- Language would be added to require written procedures for the safe evacuation of persons with special physical, medical, or language needs who may need assistance to exit a building.

8 VAC 20-131-270. School and Community Communications.

- A requirement would be added to provide information on the School Report Card on the number of students obtaining industry certifications and passing state licensure assessments and occupational competency assessments while still in high school. (This is consistent with language in SB 1045 passed by the 2005 General Assembly.)
- Language would be added to clarify that compliance with this section of the regulations would be reported through pre-accreditation eligibility procedures.

8 VAC 20-131-280. Expectations for School Accountability.

- Language is added in this section and in 8 VAC 20-131-290 to cross-reference the responsibility of the division superintendent in reporting compliance with pre-accreditation eligibility requirements. The term “pre-accreditation eligibility requirements” is used for clarity in this section, and in 8 VAC 20-131-290, 8 VAC 20-131-300, and 8 VAC 20-131-325.

8 VAC 20-131-290. Procedures for Certifying Accreditation Eligibility.

- Language would be added to clarify the link between accreditation eligibility and preaccreditation eligibility.

8 VAC 20-131-300. Application of the Standards.

- The requirement that the pass rate for accreditation is 75 percent in English in grades 3 and 5 would be revised to grades 3 through 5 to reflect annual testing in English and mathematics.
- Beginning with ratings earned in 2010-2011 and beyond (based on assessments in 2009-2010 and beyond), the pass rate for accreditation would be raised to 75 percent in English and 70 percent in mathematics, science, and history and social science.
- The accreditation rating, Accreditation Withheld/Improving School Near Accreditation, which was eliminated in the first proposed revision, is restored for school year 2006-2007, based on the assessments taken in school year 2005-2006. The accreditation rating expires at the end of school year 2006-2007.
- Language clarifies that accreditation ratings awarded in an academic year are based upon Virginia assessment results from the academic year immediately prior to the year to which the accreditation rating applies.
- Language further clarifies that the provisions of the current Standards of Accreditation apply to accreditation ratings awarded for academic year 2006-2007, based on assessments taken in 2005-2006.
- Additional language clarifies that a school that is reconstituted and is Conditionally Accredited may have its accreditation rating revert to Accreditation Denied if it fails to be Fully Accredited or fails to have its annual application for such rating renewed.

8 VAC 20-131-310. Action Requirements for Schools That Are Accredited with Warning or Accreditation Withheld/Improving School Near Accreditation.

- Language is revised to clarify that the school is to adopt a research-based instructional intervention with a proven track record of success.
- Language is moved from 8 VAC 20-310-40 to this section. The language says that schools rated Accredited with Warning must undergo an academic review and prepare and implement a school improvement plan.
- Language also specifies that schools rated Accreditation Withheld/Improving School Near Accreditation must also undergo an academic review and prepare and implement a school improvement plan.

8 VAC 20-131-315. Action Requirements for Schools That Are Denied Accreditation.

- A new section is added for clarity. Language about the requirements for schools denied accreditation is moved from 8 VAC 20-131-340 to this section.
- The sequence and timing of these provisions has been modified:
 - ✓ Any school rated Accreditation Denied must notify the parents and other interested parties of the accreditation rating within 30 calendar days of receiving the notification, and must provide them with a copy of the proposed corrective action plan and an opportunity to comment on the corrective action plan.
 - ✓ The school is subject to actions prescribed by the Board of Education and affirmed through a memorandum of understanding between the Board of Education and the local school board.
 - ✓ The local school board must submit a corrective action plan to the Board of Education within 45 days of the notification of the rating, for consideration in the memorandum of understanding.
 - ✓ The memorandum between the Board of Education and the local school board shall be entered into no later than November 1 of the year in which the accreditation rating is awarded.
 - ✓ The local school board must submit status reports to the Board of Education, and the principal, division superintendent, and chair of the school board may be required to appear before the Board of Education to present the status reports.
- The option for reconstituting a school has been modified. If the local school board chooses to reconstitute a school, it must apply annually for an accreditation rating of Conditionally Accredited. The Conditionally Accredited rating may be granted for up to three years if the school is making progress toward a rating of Full Accreditation in accordance with the terms of the approval of the application.
- The provisions about replacing staff, hiring a management firm, or converting to a charter school are no longer included as examples of reconstitution.

8 VAC 20-131-320. Provisional Accreditation Benchmarks.

- The section would be repealed. It is obsolete and the benchmarks are no longer in effect.

8 VAC 20-131-325. Recognitions and Rewards for School Accountability Performance.

- A school that maintains a pass rate of 95 percent or above for two consecutive years may receive a waiver from annual accreditation, and shall be accredited for three years. However, the school must continue to submit documentation that it is in compliance with the regulations.
- The waiver provisions currently in 8 VAC 20-131-325.B would be deleted, as no school has requested such waivers; however, the regulations would still provide for waivers of these regulations pursuant to the current 8 VAC 20-131-330 (which would be moved to 8 VAC 20-131-350).
- The provisions for the Governor's Award for Outstanding Achievement Language is revised to require that the school be Fully Accredited, and that it has significantly increased student achievement in student subgroups to close the achievement gap.

8 VAC 20-131-330. Waivers.

- This section is moved to 8 VAC 20-131-350.

8 VAC 20-131-340. Academic Reviews, Special Provisions, and Sanctions.

- The provisions relating to academic reviews and Accreditation Denied are moved to 8 VAC 20-131-310 and 8 VAC 20-131-315. The section is renamed "Special Provisions and Sanctions."
- A provision is added to specify that withholding of a school's accreditation rating shall not be considered an interruption of the three consecutive year period for purposes of receiving an Accreditation Denied status.

8 VAC 20-131-350. Waivers.

- This section is moved from 8 VAC 20-131-330.

8 VAC 20-131-360. Effective Date.

- Unless otherwise specified, these regulations are effective for the 2006-2007 school year.

ACTION/DISCUSSION ITEMS

First Review of Pupil Transportation Specifications for School Buses

Mr. Dan Timberlake, assistant superintendent for finance, presented this item. Mr. Timberlake said that the *Regulations Governing Pupil Transportation* approved in January 2004, deleted the sections that detailed the specifications for school buses and made them a separate document that requires periodic approval by the Board of Education. This permits the Department of Education to revise and update the bus specifications more efficiently than would be permitted under the process for revising regulations. It also permits the specifications to be refreshed more frequently to recognize new or emerging technology. The last revisions were approved by the Board of Education in November 2004.

The specifications have been updated and revised to include recent changes in equipment and technology. The changes were developed by the department's Specifications Committee, which is comprised of pupil transportation representatives from school divisions across the state. None of the changes represent significant deviations from standard industry practices. All of the recommended specifications comply with the safety requirements of the National Highway Traffic Safety Administration.

The Specifications Committee, composed of representatives of all regions of the state, developed the proposed specifications with the goal of improving safety. Knowing that it is difficult to design statewide specifications that encompass the specific needs of each of the fleets, the Committee considered the geographic differences of our regions, the newer technology available for new school buses, the past track record of current specification configurations, specifically the overall cost of maintenance, and any components with a record of failure that caused safety to be compromised.

The Committee also made comparisons with specifications of other states and adjusted the previous specifications to improve Virginia's minimum specifications and align Virginia's specifications with other Southeastern States. Also included in the proposed revisions are recommendations to incorporate changes adopted by the Fourteenth National Congress on School Transportation, "National School Transportation Specifications and Procedures" in May 2005.

Mr. Timberlake said that the proposed specifications will be posted on the department's Web site for 30 days to provide school divisions and other interested parties with the opportunity to review them and offer comments. The comments will be compiled and presented to the Board for final review at its meeting on July 26, 2006.

Dr. Jones asked Mr. Timberlake about a request from the Fairfax County Public Schools regarding placement of additional flashing lights on the front sides of buses. The lights would signal drivers coming toward the bus at intersections that the bus is stopped to load/unload students. Dr. Jones stated that he wished for further consideration of the request from Fairfax, prior to the final adoption at the June meeting.

Dr. Jones made a motion to accept the proposed school bus specifications for first review. The motion was seconded by Mrs. Castro and carried unanimously.

First Review of a Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Grant Continuing Accreditation to the Teacher Education Programs at Eastern Mennonite University, Marymount University, and Virginia Union University

Dr. Thomas Elliott, assistant superintendent for the division of teacher education, licensure, and professional practice, presented this item. Dr. Elliott said that the *Regulations Governing Approved Programs for Virginia Institutions of Higher Education* require colleges and universities that offer programs for the preparation of professional educators to obtain continuing program approval from the Board of Education. In Virginia, the review and approval of programs is viewed as the shared responsibility of institutions of higher education, school divisions, and the Department of Education. Final approval rests with the Board of Education.

The regulations define the standards that must be met and the review options available for the accreditation of teacher education programs. The regulations provide three options for accreditation: 1) a state review process for which the teacher education program must meet the standards established by Board of Education regulations; 2) the National Council for the Accreditation of Teacher Education (NCATE) process for which the teacher education program must meet the board's teaching area requirements and the NCATE standards; or 3) the Teacher Education Accreditation Council (TEAC) process for which the teacher education program must meet the board's teaching area requirements and the TEAC standards. In all three options, the institution hosts an on-site visit by a team of trained reviewers who develop a report of findings that is submitted

to the Department of Education for review by the Advisory Board on Teacher Education and Licensure (ABTEL). After a review of the report of findings, ABTEL makes a recommendation to the Board of Education for final action.

Dr. Jones made a motion to waive first review and approve ABTEL's recommendation to grant continuing accreditation to the teacher education programs at Eastern Mennonite University, Marymount University, and Virginia Union University. The motion was seconded by Dr. Ward and carried unanimously.

Final Review of a Recommendation of the Advisory Board on Teacher Education and Licensure to Grant Continuing Program Approval with Stipulations to the Teacher Education Program at Saint Paul's College

Dr. Elliott also presented this item. During spring 2005, Saint Paul's College was reviewed using a process approved by the Board of Education and based on 20 standards in the following four categories: Program Design, Faculty, Candidates, and Program Operation/Accountability.

The team recommendation for the teacher preparation program at Saint Paul's College is continuing approval with stipulations. A recommendation of approval with stipulations is made when the institution's teacher education program does not meet all standards or has met the standards with weaknesses. The review team made the recommendation of approval with stipulations based on the finding that 5 of 18 applicable standards were not met. Specific indicators of the five standards not met include the following:

1. There is little evidence that candidates have acquired the knowledge and skills needed to succeed on the Praxis I assessment in reading, writing, and mathematics;
2. Evidence regarding Praxis II was not presented because the data have not been systematically collected;
3. Additional information is needed to identify all competencies on the program matrices;
4. Professional studies coursework exceeds the 24-hour limit for elementary and special education and exceeds the 18-hour limit for other endorsement areas; and
5. The teaching load for full-time faculty of 15 hours per semester does not accommodate and support faculty involvement in teaching, scholarship, and service. Additionally, a recruitment and retention policy that includes an explicit plan with adequate resources to hire and retain a qualified and diverse faculty was not evident.

At the November 21, 2005, ABTEL meeting, the Teacher Education Committee of ABTEL requested to review the full report of the on-site visit as well as meet with officials regarding the recommendation of the state team. At its February 6, 2006, and

March 20, 2006, meetings, the Teacher Education Committee of ABTEL discussed the findings of the on-site review team. Officials of Saint Paul's College presented information on improvements made in the teacher preparation program since the March 2005 review and provided the Department of Education with responses to the standards that were not met when the visit was conducted. Significant progress at the college included the following:

- For spring semester 2006, 44 traditional students are pursuing teaching endorsements in the Department of Education at Saint Paul's College;
- Saint Paul's College serves a growing population of nontraditional candidates (career switchers) in the underserved region of Southside Virginia. During the 2003-2006 academic years, this population has averaged more than 50 candidates per year seeking licensure preparation.
- Two new Praxis I and Praxis II preparation courses have been implemented. These courses feature individualized instruction by faculty in specific discipline areas, tutoring, and access to Plato (a computer-based Praxis preparation system);
- Two faculty members with doctoral degrees have been hired;
- A reform of the general education curriculum was implemented during fall 2004 and continues to provide a foundation for students pursuing teacher education;
- The Department of Education at Saint Paul's College has developed a system to monitor candidate progress and collect data on candidate achievement;
- Professional studies coursework has been adjusted to meet the cap established by the Board of Education; and
- Faculty loads have been adjusted within the college's Department of Education.

At its March 20, 2006 meeting, ABTEL approved a motion to continue program approval with stipulations at Saint Paul's College. The advisory board's action was based on the significant progress the college has made toward fulfilling the requirements of the unmet standards since the review team visit. Additionally, the president of the college, the provost, and the director of teacher education met with the advisory board and assured ABTEL of their commitment to the continued enhancement of the teacher preparation program at Saint Paul's College through the implementation of specific strategies and documentation of progress toward continued improvement.

Mrs. Castro made a motion to approve ABTEL's recommendations to grant continuing program approval with stipulations to the teacher education program at Saint Paul's College, contingent upon continued progress at the college in the areas of: (1) alignment with the teacher education standards; (2) data development and annual maintenance of information on candidate progress; (3) service to the community through programs for nontraditional students; and (4) annual reports to the Department of Education on progress made based on the contingencies. The motion was seconded by Dr. Jones and carried unanimously.

First Review of Recommended Cut Scores for the Standards of Learning Mathematics and Reading Tests in Grades 3 through 8

Mrs. Shelley Loving-Ryder, assistant superintendent for assessment and reporting, presented this item. Mrs. Loving-Ryder said that to meet the requirements of the federal *No Child Left Behind Act of 2001*, new reading and mathematics Standards of Learning (SOL) tests for grades 3 through 8 are being administered in spring 2006.

Mrs. Loving-Ryder provided the Board with information about the range of cut scores recommended by the committees for the mathematics and reading tests for grades 3 through 8 for the achievement levels of basic, pass/proficient and pass/advanced.

Mrs. Saslaw made a motion to waive first review and adopt the following cut scores for the mathematics tests at grades 3 through 8. The motion was seconded by Dr. Ward and carried unanimously.

Cut Scores for the Standards of Learning Mathematics

	Basic	Proficient	Advanced
Grade 3	21	35	45
Grade 4	16	31	43
Grade 5	23	35	44
Grade 6	22	34	31
Grade 7	19	31	42
Grade 8	19	32	42

Dr. Ward made a motion to waive first review and adopt cut scores for the reading tests scores at grades 3 through 8. The motion was seconded by Mrs. Castro and carried unanimously.

Cut Scores for the Standards of Learning Reading

	Basic	Proficient	Advanced
Grade 3	13	23	31
Grade 4	14	23	31
Grade 5	17	27	37
Grade 6	17	28	39
Grade 7	17	28	39
Grade 8	17	29	40

First Review of Recommended Cut Scores for the Standards of Learning Writing Tests for Grades 5 and 8

Mrs. Shelley Loving-Ryder also presented this item. Dr. Loving-Ryder said that in the spring 2006, new Standards of Learning (SOL) writing tests for grades 5 and 8 were administered. These new writing tests measure the 2002 English SOL and were developed according to a revised blueprint.

Dr. Jones made a motion to waive first review and adopt the following cut scores for the writing tests for grade 5 and 8. The motion was seconded by Dr. Ward and carried unanimously.

Grade 5 Writing: Continue to use cut-scores adopted in 1998

Grade 8 Writing: Proficient – 30
Advanced – 46

Final Review of Approval of Local School Division Remedial Plans

Mrs. Kathleen Smith, director of the office of school improvement, presented this item. Mrs. Smith said that as required by 8 VAC 20-630-20, school divisions must develop a remediation plan designed to strengthen and improve the academic achievement of eligible students. Local school divisions have submitted remedial plans for summer 2006 to the department for approval by the Board of Education.

Mrs. Smith said that department staff members have reviewed remediation plans from 130 school divisions and determined that all of the plans meet the requirements of 8 VAC 20-630-20. Two divisions, Loudoun County and Frederick County, have indicated that they will not offer a remedial summer program. 8 VAC 20-630-50 requires school divisions to report to the department the pass rate on the Standards of Learning assessments for students who attend the 2006 summer remedial programs or, in the case of year-round schools, 2006-2007 intersession programs. Divisions will submit SOL data pertaining to the 2006 summer remedial program, or in the case of year-round schools, 2006-2007 intersession programs in September 2007.

Dr. Jones made a motion to accept for final review and approve the report on local school division remedial plans. The motion was seconded by Dr. Ward and carried unanimously.

Update on Status of Proposed Amendments to Virginia's Consolidated State Application Accountability Plan and Compliance Requirements Under the No Child Left Behind Act of 2001

Dr. Linda Wallinger, assistant superintendent for instruction, and Mrs. Shelley Loving-Ryder, assistant superintendent for assessment and reporting, presented this item. At its March 22, 2006, meeting the Virginia Board of Education adopted proposed amendments to the Consolidated State Application Accountability Plan (amended June 22, 2005) as required in the *No Child Left Behind Act of 2001*.

Virginia's proposed amendments fall under 7 major areas: (1) reversing the order of the school choice and supplemental educational services (SES) sanctions; (2) targeting choice and SES only to the subgroup and individual students not making AYP; (3) identifying for improvement only those schools that fail to make AYP for two consecutive years in the same subject and subgroup; (4) including the passing scores of all retests of SOL assessments required for graduation in the calculation of AYP; (5) including test scores from only certain grade levels in the 2006-2007 AYP performance calculation for subgroups; (6) extending flexibility in AYP calculation policies for students with disabilities; and (7) modifying testing and AYP calculation policies for limited English proficient (LEP) students.

Dr. Wallinger also reported that on October 21, 2005, Secretary of Education, Margaret Spellings, issued a policy letter explaining that despite the substantial progress states are making in meeting the goal of having all core academic subjects taught by highly qualified teachers (HQT) by the end of the 2005-2006 school year, states are still facing difficulties in fully meeting this requirement. The Secretary stated that if a state is falling short of the 100 percent HQT goal but meets the four requirements for implementing NCLB that constitute a "good-faith effort" to reach the goal, USED would request that states submit a revised plan detailing specific steps the state will take to reach the HQT goal in the 2006-2007 school year. For the 2004-2005 school year, Virginia reported that 94.6 percent of the classes in the state are taught by highly qualified teachers. Preliminary data suggest that Virginia will not meet the goal of 100 percent HQT by the end of the 2005-2006 school year. Therefore, Virginia will be required to submit a revised state plan to USED on July 7, 2006.

On March 21, 2006, Assistant Secretary of Education Henry L. Johnson issued a policy letter stating that as part of the revised state plan, each state will need to explain how the SEA will limit the use of the High Objective Uniform State Standard of Evaluation (HOUSSE) procedure for teachers hired after the end of the 2005-2006 school year. At subsequent follow-up meetings on the same topic, USED has indicated that the HOUSSE may not be available for use by states after July 1, 2006.

As part of the NCLB compliance requirements states must submit materials to USED for a peer review of the processes and policies related to the development and implementation of the state's standards and assessments. In November 2005, the Virginia

Department of Education submitted available documentation to USED for review under this requirement. Because Virginia implemented new tests in reading and mathematics in grades 3-8 in spring 2006 as well as a revised alternate assessment program for students with significant cognitive disabilities, some of the required information was not available at the time of the November 2005 submission.

Dr. Wallinger continued her report by explaining that on March 22, 2006, USED issued a letter to Virginia outlining additional evidence that Virginia must submit after the spring 2006 test administration to meet the requirements. Based on the timeline for the submission of this additional information, USED will issue one of the following approval categories: 1) full approval; 2) full approval with recommendations; 3) approval expected; 4) approval pending; or 5) non-approved. Depending on the initial approval category, USED may place conditions on a state's Title I grant award and restrict NCLB flexibility agreements. A second peer review of the additional information will be conducted and USED will issue a revised approval category.

Dr. Wallinger closed by saying that to date, the U. S. Department of Education (USED) has not responded to the Board of Education's request to amend Virginia's Consolidated State Application Accountability Workbook. The calculation of Adequate Yearly Progress (AYP) for the 2006-2007 year based on 2005-2006 assessment results is dependent on a decision from USED.

Non-regulatory guidance from USED on the changes in implementation for the HOUSSE requirements is pending. It is difficult for Virginia to provide guidance to the local school divisions until official guidance has been issued by USED. A response from USED regarding standards and assessment peer review approval category for the Virginia assessment system is pending.

The Board received the report.

Review of the Board of Education Legislative Responsibilities Resulting from Actions of the 2006 General Assembly

Mrs. Wescott presented this item. Mrs. Wescott said that certain legislation passed by the 2006 General Assembly requires consideration and/or action from the Board of Education. The following list highlights those pieces of legislation that require action/consideration by the Board in 2006.

Legislation and Resolutions Passed by the 2006 General Assembly

HB 19 – This bill amends §22.1-253.13:4 of the Code of Virginia to direct the Board to collect, analyze, and report high school graduation rates using a standardized formula prescribed by the bill by October 1, 2008. The bill also permits the Board to promulgate such regulations as may be necessary and appropriate to carry out its responsibilities. By December 1, 2006, the Board shall report to the General Assembly on the formula to be used. The bill states that the Board must consider the 2005 Report of the National Governors' Association Task Force on State High School Graduation Data in its deliberations regarding a standardized formula.

HB 348 - and **SB 39** – These bills authorize the Board to initiate a review of any alleged violation of its regulations by a local school board or local school board employee responsible for the distribution or administration of tests. The bill also allows the Board to recover the reasonable costs of any review or investigation conducted because of violations of test security from any person who violates test security procedures.

HB 350 and **SB 676** – These bills address a consolidation plan for the Virginia Schools for Deaf, Blind and Multi-Disabled in Staunton and Hampton. The bills authorize the Department of General Services to enter into an agreement for necessary renovations, additions, and new facility construction at the Staunton campus under traditional procurement or PPEA. The Department of Education would assist with the transition of services to a regional day program in the Hampton Roads area. Amendments proposed by the Governor were rejected by the General Assembly. Final action by the Governor regarding these bills is pending.

HB 577 – This bill requires the Boards and Departments of Education, Juvenile Justice, Mental Health, Mental Retardation and Substance Abuse Services, and Social Services to promulgate regulations that require, as a condition of initial licensure of, and, if appropriate, license renewal, that the applicant: 1) be personally interviewed to determine the qualifications of the owner or operator before granting an initial license; 2) provide evidence of having relevant prior experience before any initial license is granted; 3) provide, as a condition of initial license or renewal licensure, evidence of staff participation in training on appropriate siting of the residential facilities for children, good neighbor policies, and community relations; and 4) be required to screen residents prior to admission to exclude individuals with behavioral issues, such as histories of violence, that cannot be managed in the relevant residential facility.

HB 813 – This bill provides that the Board may adopt special provisions related to the administration and use of any SOL test or tests in a content area as applied to accreditation ratings for any period during which the SOL content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board must provide notice to local school boards regarding such special provisions.

HB 838 – This bill requires the Board to promulgate regulations to ensure the transfer of credits from any private elementary, middle, or high school located in the Commonwealth to a public school in any Virginia school division. Working with affected entities, the Board has addressed this issue in its proposed revisions to its *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

HB 1058 and **SB 71** – These bills shift the review of the Standards of Quality (SOQ) from odd to even numbered years. The Board addressed the review process for the SOQ in this calendar year at its April 3 meeting and planning session. Affected organizations have been asked to provide public comment to the Board this month.

HB 1427 and **SB 410** – These bills require the Board to develop a plan to identify initiatives or conditions currently funded under the federal *No Child Left Behind Act of 2001* (NCLB) that are not integral components of Virginia's accountability system as authorized by the General Assembly and Board. The plan must address the consequences of noncompliance with the identified integral components, which should include any potential loss of federal funds. The bill also includes a provision requiring the Office of the Attorney General to include an estimate of the costs of providing legal services in the event that federal funds are withheld. The report must be provided to the General Assembly by October 1, 2006.

HB 1428 – This bill encourages the President of the Board, in calendar year 2006, to request waivers and exemptions to the provision of NCLB from the U.S. Department of Education (USED). The waiver requests included, but are not limited to, the following: 1) additional flexibility regarding supplemental services and public school choice; 2) the identification of schools in improvement to consider those schools that fail to make adequate yearly progress (AYP) for two consecutive years in the same subject and for the same subgroup; 3) the modification of AYP progress calculation policies to accommodate appropriate

measures of progress for students with disabilities and those students who are limited English proficient (LEP); and 4) the ability to count the passing scores of students on retests in the calculation of AYP in a manner that increases the validity of AYP determinations across tested grade levels. At the March 2006 Board meeting, a waiver request was approved for submission to USED. The submission covered the four categories noted above.

Prior to the commencement of the 2007 General Assembly, the President of the Board is required to report on the status of all waiver requests. Should the response from USED to the Board waiver requests be considered unsatisfactory, then the report must provide recommendations regarding additional actions to include: 1) the nullification and revocation of the Virginia Consolidated State Application submitted to the USED; 2) legal actions that may be taken by the Office of the Attorney General; and 3) additional negotiations with the USED.

SB 683 - This bill requires the Board and the Department of Education to collect statewide data on Virginia's public school LEP students as well as school division programs for LEP students. The data collection shall include, but need not be limited to, the demographics of Virginia's LEP students according to the following:

- 1)Country of origin;
- 2)First or native language;
- 3)School attendance in the country of origin;
- 4)Age and grade of first enrollment in a Virginia public school;
- 5)Standards of Learning (SOL) assessment scores;
- 6)Reasons for dropping out of high school;
- 7)Barriers to high school graduation; and
- 8)Graduation rates; types of diplomas awarded to LEP students, class standing, and college aspirations and attendance.

The data collection must also address school division programs designed to assist LEP students in academic achievement. The data collection should cover issues such as: 1) exercising the option to allow LEP students to attend until attaining the age of 22; 2) providing targeted remediation classes for students who have failed the English 11 SOL assessments, summer school English for Speakers of Other Languages (ESOL) classes, after-school and weekend tutoring; and 3) other strategies to assist older high school LEP students in meeting graduation requirements.

In addition to collecting these data, the Board must analyze the information in the context of existing Board regulations, NCLB, and LEP student needs. By December 1, 2006, a report must be provided to the General Assembly to include steps to resolve any issues related to LEP student abilities to obtain a diploma and achieve high academic standards.

SB 687 - This bill prohibits the Board from conditioning full approval of teacher education programs provided by an institution of higher education on (i) the number of students in individual licensure programs, such as, but not limited to, prekindergarten-three, Spanish, music education, high school physics, or other disciplines, or (ii) documented efforts to increase enrollment in such programs.

HJ 96 and SJ 125 –These resolutions encourage the Board and Department of Education and the Board and the Department of Mental Health, Mental Retardation and Substance Abuse Services and other relevant entities to take certain actions to improve the education and treatment of individuals with autism spectrum disorders. The Board and Department of Education are urged to continue to implement regulatory initiatives designed to strengthen teacher qualifications, to include pre-service and in-service professional development opportunities relating to the effective treatment of autism spectrum disorders. The Board and Department of Education are also urged to examine appropriate educational placements considering the IEPs of autistic students, the effects of mainstreaming, and the feasibility of alternative placements in public and private schools having qualified staff and adequate facilities.

SJ 171 – This resolution requires the Board to survey Family Life Education programs in the public schools.

The Board received the report.

DISCUSSION OF CURRENT ISSUES

Dr. Patricia Wright, acting superintendent of public instruction, announced that Virginia students achieved at significantly higher levels on last year's national science tests, bucking a national trend of flat or declining achievement since the previous administration of the National Assessment of Educational Progress (NAEP) science tests in 2000. State education officials pointed to the commonwealth's Standards of Learning (SOL) program, which includes accountability for effective instruction in science, as a key factor in why Virginia students demonstrated gains in science achievement on the 2005 tests while most states saw declines or no improvement.

Dr. Wright said that Virginia was one of only five states that saw significant increases in overall science achievement in both grades 4 and 8 on the 2005 NAEP. And the commonwealth was the only state in the nation in which students in both tested grades increased their level of achievement on all three subcomponents of the test (Earth Science, Physical Science, and Life Science).

The Board met for dinner at the Crowne Plaza Hotel on May 23, 2006. Present were Dr. Emblidge, Dr. Brewster, Mrs. Castro, Mr. Johnson, Dr. Jones, Mr. Moore, Mr. Rotherham, Mrs. Saslaw, and Dr. Ward. A brief discussion took place about general Board business. No votes were taken, and the dinner meeting ended at 8:30 p.m.

ADJOURNMENT

There being no further business of the Board of Education and the Board of Career and Technical Education, Dr. Emblidge adjourned the meeting at 11:32 a.m.

Secretary

President